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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,288	09/16/2003	Alexander Tukachinsky	O3964C-47443	3223
26115	7590	03/10/2005	EXAMINER	
JEFFREY C. LEW			HARAN, JOHN T	
2205 SILVERSIDE ROAD			ART UNIT	
WILMINGTON, DE 19810			PAPER NUMBER	

1733

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/663,288	Applicant(s) TUKACHINSKY ET AL.	
	Examiner John T. Haran	Art Unit 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-16 and 20 is/are rejected.
- 7) ☒ Claim(s) 17-19 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment and arguments filed on 1/24/05. The amendment of the claims has overcome all previous rejections under 35 USC 112, second paragraph.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 13-16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodway (WO 01/69610).

Regarding claims 13, 14, and 20, Rodway is directed to a method of making a multilayer article comprising providing a polyolefin inner layer (core layer) which is crosslinkable and a fluoropolymer outer layer (first adhesion resistant layer) such as ETFE or CETFE around a wire. Rodway teaches that polyolefins and fluoropolymers do not generally bond well (pages 2 and 7) and improves the adherence by crosslinking the polymers with radiation, such as ultraviolet, so that the polyolefin and fluoropolymer intercross link at the interface (page 6). Rodway also teaches directly contacting the two layers, suggests heating both above their respective melting points in order promote the interfacial cross linking (page 4) and to exert sufficient pressure for optimum adhesion of the layers to one another (page 6).

Rodway is silent towards the amount of pressure and the wavelength range of the ultraviolet radiation, however one skilled in the art would have readily appreciated that such would have depended upon a variety of factors, such as the materials worked upon. One skilled in the art would have readily recognized the need to apply adequate pressure to promote optimum adhesion of the polyolefin and fluoropolymer and to apply ultraviolet radiation in a range that would crosslink both the polyolefin and fluoropolymer. It would have been within the purview of one skilled in the art to determine the necessary pressure and ultraviolet radiation range in order to accomplish the goals of Rodway. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply adequate pressure to promote optimum adhesion of the polyolefin and fluoropolymer and to apply ultraviolet radiation in a range that would crosslink both the polyolefin and fluoropolymer in the method of Rodway.

Regarding claim 15, Rodway is silent towards when the radiation occurs, however one skilled in the art radiating the polyolefin and fluoropolymer either before or after the cooling step has begun and that the two are alternate expedients obvious over one another. It would have been obvious to radiate after the cooling step has commenced.

Regarding claim 16, Rodway indicates that at least one polyolefin layer is provided, which indicates there could be more than one polyolefin layer and it would have been obvious that the layers would need to be sufficiently adhered to one another.

Allowable Subject Matter

4. Claims 17-19 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to suggest the claimed method of making a multilayer article, particularly the step of providing a second adhesion resistant layer to a second face of the core layer under the claimed manner.

Rodway is directed to insulating an electrical wire having a wire, a polyolefin layer directly surrounding the wire, and a fluoropolymer layer directly surrounding the polyolefin layer. There is no suggestion or motivation to have an additional fluoropolymer layer between the wire and the polyolefin layer.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John T. Haran** whose telephone number is **(571) 272-1217**. The examiner can normally be reached on M-Th (8 - 5) and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1733

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John T. Haran
Examiner
Art Unit 1733